

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 BRIAN K. JOHNSON,

11 Plaintiff,

12 v.

13 KING COUNTY JAILS, *et al.*,

14 Defendants.

CASE NO. C08-232 RSM-MAT

ORDER GRANTING DEFENDANTS'  
MOTION FOR ATTORNEYS' FEES AND  
COSTS

15 This matter comes before the Court on Defendants' verified cost bill which the Court  
16 construes as a motion for attorneys' fees and costs. (Dkt. #61). On February 25, 2009, the  
17 undersigned judge adopted the Report and Recommendation of the Honorable United States  
18 Magistrate Judge Mary Alice Theiler, and dismissed Plaintiff's civil rights complaint. For the  
19 reasons set forth in Judge Theiler's R&R (*see* Dkt. #57 at 6-8), the undersigned also directed  
20 the Defendants to submit a cost bill regarding the time spent and costs incurred on a motion to  
21 compel which created the basis for an award of attorneys' fees.

22 Defendants have now submitted a bill indicating that they are entitled to \$2,634.29 in  
23 fees and costs. This consists of 12 hours of attorney time at a rate of \$206.67 per hour  
24 working on their motion to compel, as well as \$154.25 in costs for hiring a court reporter to  
25 transcribe a deposition of Plaintiff. The Court finds that the attorneys' fees and costs are  
26 reasonable and appropriate under the relevant federal rules and the well-established "lodestar"  
27 analysis. *See* FRCP 37(a)(5) and 37(b)(2)(C); *see also Morales v. City of San Rafael*, 96 F.3d  
28 359, 363 (9th Cir. 1996); *Kerr v. Screen Guild Extras, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975).

Therefore having reviewed Defendants' motion, and the remainder of the record, the Court hereby finds and ORDERS:

(1) Defendants' motion for attorneys fees (Dkt. #61) is GRANTED. Defendants are entitled to \$2,634.29 in attorneys' fees and costs.

(2) The Clerk is directed to forward a copy of this Order to all counsel of record and to Plaintiff at the following address: PO Box 28388, Seattle, WA 98118.

DATED this 8<sup>th</sup> day of April, 2009.

22/10

RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE